

HB 630

HB 635

HB 640

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HB 1118

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SEVENTY-FIRST DAY (continued)—TUESDAY, MAY 11, 1971

The House met at 9:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Cruz	Jones, E.	Poerner
Adams	Daniel	Jones, G.	Poff
Agnich	Davis, H.	Jungmichel	Presnal
Allen, Joe	Denton	Kaster	Reed
Allen, John	Doran	Kubiak	Rosson
Baker	Doyle	Lemmon	Salem
Bass, B.	Finck	Lombardino	Schulle
Bass, T.	Finnell	McAlister	Sherman
Beckham	Finney	McKissack	Short
Bigham	Floyd	Mengden	Silber
Blanton	Gammage	Moncrief	Simmons
Boyle	Garcia	Moore, A.	Slack
Braecklein	Golman	Moore, G.	Smith
Burgess	Grant	Moore, T.	Solomon
Bynum	Hanna, Joe	Moreno	Spurlock
Caldwell	Harris	Murray	Stewart
Carrillo	Hawkins	Nabers	Swanson
Cavness	Hawn	Neugent, D.	Traeger
Christian	Head	Nichols	Tupper
Clark	Hendricks	Niland	Vale
Clayton	Holmes, T.	Nugent, J.	Ward
Coats	Howard	Ogg	Wieting
Cobb	Hubenak	Orr	Williams
Cole	Hull	Patterson	Wolff
Craddick	Jones, D.	Pickens	Wyatt

Absent

Allred	Foreman	Ligarde	Santiesteban
Angly	Graves	Longoria	Shannon
Atwood	Hale	Lovell	Slider
Blythe	Harding	Nelms	Stroud
Bowers	Haynes	Newton	Tarbox
Calhoun	Heatly	Parker, C.	Truan
Cates	Hilliard	Parker, W.	Uher
Dramberger	Kilpatrick	Price	Von Dohlen
Earthman	Lee	Salter	Wayne
Farenthold	Lewis	Sanchez	Williamson

Absent-Excused

Atwell	Hannah, John	Johnson	Semos
Braun	Holmes, Z.	Kost	
Davis, D.	Ingram	Rodriguez	

A quorum of the House was announced present.

The Invocation was offered by the Reverend Donald G. Black, Pastor of Trinity Lutheran Church—Missouri Synod, Houston, Texas.

Representatives Blythe, Hilliard, Newton, Lewis, Salter, Shannon, Von Dohlen, Longoria, Earthman, Haynes, Bowers, and Farenthold entered the House and were announced present.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. John Hannah on motion of Mr. Bill Bass.

Mr. Kost on motion of Mr. Simmons.

Mr. Johnson, temporarily for today, on motion of Mr. Simmons.

Mr. Dee Jon Davis, temporarily for today, on motion of Mr. Bynum.

Mr. Atwell, temporarily for today, on motion of Mr. Blanton.

Mr. Rodriguez on motion of Mr. Harris.

Mr. Zan Holmes, temporarily for today, on motion of Mr. Blanton.

The following Members were granted leaves of absence for today on account of illness:

Mr. Ingram on motion of Mr. Solomon.

Mr. Braun on motion of Mr. Nichols.

Mr. Semos, temporarily for today, on motion of Mr. Golman.

Representatives Heatly, Harding, and Angly entered the House and were announced present.

(Mr. Murray in the Chair)

Representatives Dramberger, Carl Parker, Slider, Uher, Graves, Hale, and Lovell entered the House and were announced present.

CONSIDERATION OF BILLS ON THE LOCAL AND
CONSENT CALENDAR

In accordance with a previous motion, the House proceeded to the consideration of bills on the Local and Consent Calendar.

HB 827 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 827, Creating Beltway Municipal Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 827 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Beltway Municipal Utility District, hereinafter called the District, which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or re-funding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

All those certain tracts or parcels containing 608.78 acres being out of the H. Woodruff Survey, A-844, the Fort Smith Survey, A-1308, the David Hanson Survey, A-381, the Wm. N. Lyon Survey, A-516, and the I. E. Wade Survey, A-855, Harris County, Texas, said 608.78 acres being in two parcels and being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone):

Parcel One

Beginning at a point for corner said point being the intersection point of the present city limits line of Houston, Harris County, Texas, as described in the 1965 Annexation Ordinance and the southerly right-of-way of Alief Road, 60 feet wide;

Thence along and with the aforementioned city limits line S 02° 20' 32" E, 4831.51 feet to a point for corner;

Thence, S 83° 10' 50" W, 210.22 feet to a point for corner in the northerly right-of-way line of Bellaire Boulevard, 120 feet wide;

Thence along and with the northerly line of Bellaire Boulevard S 84° 50' 40" W, at 1777.75 feet pass the easterly line of Roark Road and at 1857.87 feet pass the westerly line of Roark Road, and continuing in all for a total distance of 5185.97 feet to a point for corner and the beginning of a curve;

Thence along the arc of a curve to the right having a central angle of 00° 55' 33", a radius of 5670.00 feet and a chord which bears S 85° 18' 26" W, for an arc distance of 91.62 feet to a point for corner on said curve;

Thence and leaving the northerly line of Bellaire Boulevard N 02° 34' 40" W, 2365.24 feet to a point for corner;

Thence N 87° 29' 00" E, 480.00 feet to a point for corner;

Thence N 02° 37' 40" W, 2329.67 feet to a point for corner in the southerly right-of-way line of Alief Road, 60 feet wide;

Thence along and with the southerly line of Alief Road N 82° 59' 31" E, at 2993.06 feet pass the westerly line of Roark Road and at 3073.36 feet pass the easterly line of Roark Road and continuing in all for a total distance of 5038.86 feet to the point of beginning and containing 573.08 acres of land.

Parcel Two

Beginning at a 3/4" iron pipe in the south right-of-way line of Bellaire Boulevard 120 feet wide, said 3/4" iron pipe being the Northwest corner of Parcel "B" described in deed to Harris County Flood Control District, recorded in Vol. 5287, Page 375 of the Deed Records of Harris County, Texas;

Thence along the westerly line of said parcel "B" as follows:

S 05° 06' 40" E, 188.18 feet to an iron rod;

S 22° 15' 40" E, 284.54 feet to an iron rod;

S 39° 20' 40" E, 285.00 feet to an iron pipe;

S 56° 34' 40" E, 255.90 feet to an iron rod;

S 52° 30' 40" E, 184.42 feet to an iron rod;

S 44° 24' 40" E, 184.69 feet to an iron rod;

S 36° 20' 40" E, 184.42 feet to an iron rod;

S 28° 14' 40" E, 184.42 feet to an iron pipe;

S 20° 09' 40" E, 184.79 feet to an iron rod;

S 12° 04' 40" E, 97.24 feet to an iron rod for corner;

Thence S 87° 31' 20" W, 1447.39 feet to an iron rod for corner, the south-east corner of Tract "B" as shown in Map of Imperial Point, Section Three, recorded in Volume 143, Page 58, of the Map Records of Harris County, Texas;

Thence along the west line of the David Hanson Survey N 02° 34' 40" W, 1660.78 feet to an iron rod marking its intersection with the south right-of-way line of Bellaire Boulevard;

Thence along the south right-of-way line of Bellaire Boulevard in an easterly direction along the arc of a curve to the left having a radius of 5790.00 feet, a central angle of 00° 39' 28" for an arc distance of 66.46 feet to an iron rod for corner and end of said curve;

Thence continuing along the south right-of-way line of Bellaire Boulevard, N 84° 50' 40" E, 381.00 feet to the place of beginning containing 35.70 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

James Russell
Jeffrey B. Lewis
Joseph J. Holland
Stuart Jacobson
Charles J. Brink

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 827 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Beltway Municipal Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 827, as amended, was passed to engrossment.

Representative Calhoun entered the House and was announced present.

HB 1153 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1153, Creating Montgomery County Utility District No. 4.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1153 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Montgomery County Utility District No. 4, hereinafter called the District, which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Montgomery County, Texas, being three noncontiguous tracts of land containing a total of 314.3042 acres of land, more or less, being out of the William C. Clark Survey, Abstract No. 6, and the John T. Vince Survey, Abstract Number 41, and being more particularly described by metes and bounds as Tracts 1, 2 and 3 as follows:

Tract 1: Being 310.3525 acres of land, more or less.

Beginning at a concrete monument marking the northeast corner of the said John T. Vince Survey, and an easterly corner of the tract of land described herein.

Thence S 00° 32' 07" E., 42.48 feet along the east line of the said John T. Vince Survey, to a point on the 201 foot contour as established

for Lake Conroe by the San Jacinto River Authority, the said point being an easterly corner of the tract of land described herein.

Thence in a westerly direction with the meanders of the said 201 foot contour as follows:

N 85° 32' 22" W., 93.40 feet
S 89° 08' 05" W., 119.45 feet
N 82° 57' 37" W., 108.27 feet
N 66° 59' 25" W., 74.71 feet
N 89° 17' 03" W., 282.43 feet
N 54° 29' 08" W., 114.88 feet
N 84° 09' 30" W., 238.82 feet
S 32° 01' 07" W., 101.39 feet
S 05° 33' 19" W., 78.43 feet
S 12° 59' 21" E., 216.19 feet
S 00° 44' 40" W., 123.46 feet
S 36° 22' 26" W., 87.50 feet
S 60° 21' 13" W., 326.74 feet
S 39° 34' 37" W., 67.04 feet
S 19° 51' 01" W., 249.46 feet
S 07° 07' 32" W., 95.44 feet
S 33° 37' 14" W., 200.63 feet
S 34° 06' 37" W., 242.93 feet
S 50° 07' 32" W., 34.55 feet
N 77° 06' 48" W., 87.09 feet
S 00° 14' 55" W., 92.72 feet
S 29° 31' 31" W., 169.47 feet and

S 42° 37' 52" W., 128.35 feet to a point for the most southerly south-east corner of the tract of land described herein.

Thence S 89° 54' 50" W., 587.79 feet to a 1 inch iron pipe for the southwest corner of the tract of land described herein.

Thence N 00° 41' 10" W., 1,692.14 feet to an angle point in the westerly boundary of the tract of land described herein.

Thence N 03° 56' 26" W., 4,029.33 feet to a point on the said 201 foot contour for the most westerly northwest corner of the tract of land described herein;

Thence in an easterly direction following the meander of the said 201 foot contour as follows:

N 20° 57' 00" E., 40.80 feet
N 20° 34' 00" W., 57.40 feet
N 04° 52' 00" E., 128.60 feet
N 03° 57' 00" E., 185.20 feet
N 31° 42' 00" E., 103.40 feet
N 58° 45' 00" E., 242.91 feet
S 86° 20' 00" E., 207.58 feet
S 57° 35' 00" E., 273.00 feet
S 69° 16' 00" E., 77.50 feet
N 66° 39' 00" E., 57.10 feet
S 79° 56' 00" E., 227.95 feet
S 21° 41' 00" E., 55.50 feet
N 24° 18' 00" E., 78.60 feet

N 68° 04' 00" E., 228.65 feet
N 42° 44' 00" E., 222.80 feet
N 83° 35' 00" E., 237.20 feet
S 62° 50' 00" E., 97.40 feet
S 10° 49' 00" E., 111.09 feet
S 20° 22' 00" E., 135.20 feet
S 14° 18' 00" W., 204.24 feet
S 38° 54' 00" W., 118.45 feet
S 10° 15' 00" W., 112.40 feet
S 12° 33' 00" E., 101.20 feet
S 10° 13' 00" W., 125.90 feet
S 46° 29' 00" W., 72.20 feet
S 53° 39' 00" E., 69.90 feet
S 31° 00' 00" E., 167.70 feet
S 07° 55' 00" E., 98.80 feet
S 05° 13' 00" W., 186.29 feet
S 20° 08' 00" W., 209.80 feet
S 37° 29' 00" W., 201.70 feet
S 54° 36' 00" W., 187.85 feet
S 00° 39' 00" E., 152.00 feet
S 24° 31' 00" W., 124.10 feet
S 47° 02' 00" E., 19.30 feet
N 35° 19' 00" E., 199.03 feet
N 74° 46' 00" E., 530.55 feet
N 55° 41' 00" E., 498.45 feet
S 61° 09' 00" E., 59.20 feet
N 10° 44' 00" E., 131.70 feet
N 00° 05' 00" E., 114.10 feet
N 16° 23' 00" W., 199.85 feet
N 08° 21' 00" E., 103.60 feet
N 47° 32' 00" E., 66.20 feet
N 05° 56' 00" E., 114.20 feet
N 10° 33' 00" E., 147.60 feet
N 11° 15' 00" E., 69.25 feet
N 29° 19' 00" E., 98.30 feet
N 37° 27' 00" E., 99.60 feet
N 50° 56' 00" E., 87.10 feet
N 66° 11' 00" E., 96.00 feet
S 81° 14' 00" E., 205.85 feet
N 36° 06' 00" E., 83.00 feet
N 53° 46' 00" E., 74.60 feet
S 65° 58' 00" E., 135.30 feet
N 80° 01' 00" E., 51.50 feet
N 65° 00' 00" E., 52.30 feet
N 77° 35' 00" E., 79.10 feet
S 86° 03' 00" E., 125.75 feet and
S 64° 25' 00" E., 5.50 feet to a point for the northeast corner of the tract of land described herein.

Thence south 451.73 feet to an angle point in an easterly boundary line of the tract of land described herein.

Thence S 00° 29' 00" W., 371.25 feet to an easterly corner of the tract of land described herein.

Thence S 88° 47' 00" W., 800.75 feet to a fence corner for an interior corner of the tract of land described herein.

Thence S 01° 00' 06" E., 1,751.19 feet to a fence corner for an angle point in an easterly line of the tract of land described herein.

Thence S 00° 20' 15" W., 1731.68 feet to a point on the north line of the said John T. Vince Survey, for an interior corner of the tract of land described herein.

Thence N 89° 26' 28" E., 76.57 feet along the north line of the said John T. Vince Survey, to the Point of Beginning.

Containing 310.3525 acres of land, more or less.

Tract 2: Being 2.1676 acres of land, more or less.

Commencing at a concrete monument marking the northeast corner of the said John T. Vince Survey;

Thence S 00° 32' 07" E., 1,713.79 feet along the east line of the said John T. Vince Survey, to a concrete monument.

Thence S 89° 54' 50" W., 491.27 feet to a point in the northeasterly boundary line of the 120 foot right of way for State Highway Number 105;

Thence N 66° 59' 19" W., 292.15 feet along the northeasterly boundary line of the said State Highway Number 105 to a point.

Thence N 23° 28' 55" E., 50.00 feet to a point on the said 201 foot contour for the point of beginning at the most southerly corner of the tract of land described herein;

Thence N 66° 59' 19" W., 206.45 feet to a point on the said 201 foot contour for the most westerly corner of the tract of land described herein;

Thence in a northerly direction with the meanders of the said 201 foot contour as follows:

N 50° 05' 28" E., 120.08 feet

N 40° 47' 00" E., 101.17 feet

N 13° 18' 56" E., 188.20 feet

N 31° 06' 56" E., 99.81 feet

N 38° 57' 48" E., 88.24 feet and

N 52° 33' 13" E., 71.93 feet to a point for the most northerly corner of the tract of land described herein.

Thence in a southerly direction continuing with the meanders of the said 201 foot contour as follows:

S 06° 44' 48" E., 103.07 feet

S 10° 14' 24" W., 116.01 feet

S 01° 48' 19" W., 155.67 feet

S 28° 13' 23" W., 127.39 feet

S 46° 20' 25" W., 107.64 feet and

S 23° 28' 55" W., 61.56 feet to the Point of Beginning.

Containing 2.1676 acres of land, more or less.

Tract 3: Being 1.7841 acres of land, more or less.

Commencing at a concrete monument marking the northeast corner of the said John T. Vince Survey,

Thence S 00° 32' 07" E., 1,216.73 feet along the east line of the said John T. Vince Survey to the Point of Beginning at the most northerly corner of the tract of land described herein;

Thence continuing S 00° 32' 07" E., 497.06 feet along the east line of the said John T. Vince Survey, to a concrete monument for the south-east corner of the tract of land described herein.

Thence S 89° 54' 50" W., 330.46 feet to a point on the said 201 foot contour for the most westerly corner of the tract of land described herein;

Thence in a northerly direction with the meanders of the said 201 foot contour as follows:

N 47° 37' 01" E., 166.46 feet
N 30° 44' 38" E., 89.71 feet
N 10° 03' 16" E., 95.56 feet
N 20° 58' 37" E., 104.14 feet
N 31° 24' 06" E., 93.56 feet and
N 55° 41' 51" E., 65.72 feet to the Point of Beginning.

Containing 1.7841 acres of land, more or less.

The three tracts of land described above contain a total area of 314.3042 acres of land, more or less.

Section 5. The District is hereby vested with and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

James M. Hill, Jr.
Scott Van deMark
Lee Williams
J. R. Brodnax
Sara E. White

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at

any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended, and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1153 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Montgomery County Utility District No. 4; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1153, as amended, was passed to engrossment.

Representative Walt Parker entered the House and was announced present.

HB 1149 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1149, Creating Hannah Nash Public Utility District in Harris County.

The bill was read second time.

Mr. Finck offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1149 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Hannah Nash Public Utility District, hereinafter called the District, which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 168.94 acres, more or

less, out of the William Whitlock League, A-85, more particularly described by metes and bounds as follows:

Beginning at a 5/8" iron rod located in the west right-of-way line of the Hannah Nash County Road (80 feet wide), said point also being located in the east line of the William Whitlock League and the west line of the Hannah Nash Survey, A-599; which point of beginning is the northeast corner of the 367.35 acre tract of land conveyed to Talmage Guy, Trustee, by Jean E. Dallas, by deed recorded in Volume 3303, Page 705 of the Deed Records of Harris County, Texas, and also the most northerly northeast corner of Harris County Water Control and Improvement District No. 70.

Thence S 87° 16' 12" W 5183.30 feet along the north line of said Guy, Trustee, tract, and the north line of said Harris County Water Control and Improvement District No. 70 to a point for the southwest corner of the tract herein described, which point lies on the center line of the 50 foot right-of-way of United Gas Pipe Line (Goodrich-Houston 16" line) and on the boundary line of the City of Houston.

Thence N 17° 28' 12" E 969.10 feet along the center line of said United Gas Pipe Line right-of-way (Goodrich-Houston 16" line) and an easterly boundary line of the City of Houston, to an angle point in said City boundary.

Thence N 17° 21' 12" E 626.70 feet along the center line of said United Gas Pipe Line right-of-way and said easterly boundary of the City of Houston to the south line of the Alvin S. Moody 360.8 acre tract, to a point for the northwest corner of the tract herein described.

Thence N 87° 14' 56.9" E 4637.40 feet along the south line of said Moody 360.8 acre tract to a 4" x 4" concrete monument, marking the southeast corner of said Moody tract, to a point in the west right-of-way line of the Hannah Nash County Road, for the northeast corner of the tract herein described.

Thence S 2° 34' 48" E 1499.78 feet to a 5/8" iron rod which lies in the west right-of-way line of the said Hannah Nash County Road and in the north line of the said Guy, Trustee, tract and the north line of the said Harris County Water Control and Improvement District No. 70, to the place of beginning.

Containing 168.94 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following

named persons shall be the directors of the District and shall constitute the board of directors of the District:

H. P. Albrecht
Ralph B. Lee
C. W. Shively
Anne H. Chamberland
Keith R. Beeman

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1149 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Hannah Nash Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; pro-

viding for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1149, as amended, was passed to engrossment.

Representative Foreman entered the House and was announced present.

MESSAGE FROM THE SENATE

Austin, Texas, May 11, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 137, By Tarbox: Congratulating the Air Force ROTC Detachment 820, at Texas Tech University on receiving the Air Force Outstanding Unit Award.

SCR 10, By Harris: Requesting permission for Billy Warren Cody to sue the State of Texas for personal injuries.

SB 308, By Christie: Providing rules governing admission in evidence at the trial of a criminal case of the oral statements and admissions of guilt made by the accused; and declaring an emergency.

SB 339, By Harrington: Relating to the fees to be paid to the Board of Barber Examiners for renewal and issuance of certificates of registrations and examinations; and declaring an emergency.

SB 408, By Schwartz, Mauzy: Adding the seizure of vessels, vehicles or aircraft transporting dangerous drugs; and declaring an emergency.

SB 584, By Schwartz: Permitting a church, religious society, veterans organization, and other nonprofit charitable organizations to conduct lotteries for their benefit; and declaring an emergency.

SB 903, By Aikin: Requiring the Commissioner of Education, under certain conditions, to issue a Texas teacher's certificate upon request to persons holding valid teaching certificates of other states; and declaring an emergency.

SB 975, By Hightower: Relating to reductions in the salaries of certain

public employees for the purpose of effectuating annuity purchase agreements; and declaring an emergency.

HB 889, By Silber: Creating the Village Public Utility District; and declaring an emergency.

HB 976, By Finck: Creating the Booker Public Utility District; and declaring an emergency.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 938 by 29 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 338 by Viva Voce Vote.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 245 by 29 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 442 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Mauzy, Chairman; McKool, Wallace, Bernal, Kennard.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 357 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Mauzy, McKool, Wallace, Bernal, Kennard.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 40 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators: Brooks, Jordan, Wallace, Grover, Schwartz.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONSIDERATION OF BILLS ON LOCAL AND CONSENT CALENDAR—(continued)

HB 839 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 839, Creating the Red River County Hospital District.

The bill was read second time.

Mr. Hubenak offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 839 by striking out of Sec. 3(b) the words "of taxable property within the district" and adding in lieu thereof immediately after the words "75 cents on the \$100 valuation" the following:

"upon all taxable property situated within the hospital district, subject to hospital district taxation,"

Committee Amendment No. 2

Amend HB 839 by adding immediately after the words "75 cents on each \$100 valuation," as the same appears in subsection (c) of Sec. 3 the following:

"upon all taxable property situated within the hospital district, subject to hospital district taxation,"

Committee Amendment No. 3

Amend HB 839, Section 7A line 19 by omitting the following words "who own taxable property therein and who have duly rendered the same for taxation voting at an election called for such purpose."

The committee amendments were severally adopted without objection.

HB 839, as amended, was passed to engrossment.

HB 1117 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1117, Providing for the appointment of an official shorthand reporter by the District Judge of the 64th Judicial District.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

In the First Printing of HB 1117, amend the bill to strike the words, in lines 26-27, "less than Nine Thousand Dollars (9,000.00) per annum, nor", and add the words, in line 30, "with the approval of the Commissioners Courts."

The committee amendment was adopted without objection.

HB 1117, as amended, was passed to engrossment.

Representative Cates entered the House and was announced present.

HB 1724 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1724, Creating Thunderbird Utility District.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1724 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Fort Bend County, Texas, to be known as Thunderbird Utility District, hereinafter called the District, which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process, or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being a 567.6566 acre tract of land out of the David Bright League, Ab-

tract 13, Fort Bend County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point in the East right-of-way line of Stafford-Dewalt Road (F.M. 1092) said point also being in the Northeast right-of-way line of a Missouri Pacific R. R. 100.00 foot right-of-way;

Thence N 01° 06' 02" W following along the East right-of-way line of the above said Stafford-Dewalt Road (F.M. 1092), a distance of 947.05 feet to a point for corner of the tract of land herein described;

Thence S 89° 55' 32" E a distance of 1,459.43 feet to a point of curve;

Thence in an Easterly direction following along a curve to the left, having a radius of 709.94 feet, a central angle of 31° 28' 00", a length of 389.90 feet to a point of tangency;

Thence N 58° 36' 28" E a distance of 432.50 feet to a point of curve;

Thence in an Easterly direction following along a curve to the right, having a radius of 913.35 feet, a central angle of 29° 57' 30" a length of 477.57 feet to a point for corner of the tract of land herein described;

Thence N 07° 22' 28" E a distance of 486.00 feet to a point;

Thence N 09° 26' 24" E a distance of 1,502.89 feet to a point in the centerline of Oyster Creek; said point also being in the South line of Quail Valley Utility District;

Thence in a Southerly direction following along the South line of the above said Quail Valley Utility District and the centerline of the above said Oyster Creek with all of its meanders as follows:

S 62° 39' 15" E, 100.00 feet
S 48° 37' 01" E, 219.48 feet
S 29° 36' 50" E, 111.08 feet
S 27° 41' 15" E, 22.72 feet
S 27° 37' 36" E, 182.62 feet
S 02° 34' 22" E, 88.69 feet
S 04° 07' 10" E, 101.85 feet
S 14° 33' 05" W, 55.91 feet
S 33° 18' 17" E, 76.06 feet
S 05° 34' 12" W, 61.38 feet
S 16° 49' 16" W, 65.06 feet
S 30° 25' 04" W, 52.93 feet
S 15° 26' 08" W, 103.00 feet
S 17° 11' 57" W, 40.03 feet
S 45° 21' 28" W, 140.99 feet
S 23° 04' 04" W, 33.80 feet
S 01° 05' 27" W, 65.81 feet
S 35° 38' 12" W, 50.47 feet
N 84° 09' 57" E, 111.51 feet
S 65° 12' 23" E, 53.01 feet
S 42° 04' 23" E, 95.83 feet
S 58° 40' 43" E, 66.12 feet to a point;

Thence N 88° 44' 55" E continuing along the South line of the above said Quail Valley Utility District, a distance of 389.29 feet to a point in the centerline of Stafford Run;

Thence continuing along the South line of the above said Quail Valley Utility District and the centerline of Stafford Run with all of its meanders as follows:

N 14° 58' 40" E, 38.72 feet
N 14° 25' 28" E, 95.58 feet
N 03° 42' 59" E, 95.04 feet
N 15° 01' 22" E, 133.22 feet
N 05° 28' 52" E, 124.21 feet
N 27° 11' 32" E, 119.68 feet
N 08° 12' 55" W, 34.11 feet
N 37° 15' 17" W, 151.00 feet
N 03° 16' 38" W, 31.75 feet
N 38° 19' 06" E, 23.77 feet to a point for corner;

Thence N 87° 33' 59" E continuing along the South line of the above said Quail Valley Utility District, a distance of 291.49 feet to a point;

Thence N 43° 49' 41" E continuing along the South line of the above said Quail Valley Utility District, a distance of 83.04 feet to a point;

Thence N 87° 33' 59" E continuing along the South line of the above said Quail Valley Utility District, a distance of 316.87 feet to a point;

Thence S 31° 41' 42" E continuing along the South line of the above said Quail Valley Utility District, a distance of 284.50 feet to a point;

Thence S 85° 32' 49" E continuing along the South line of the above said Quail Valley Utility District, a distance of 1631.60 feet to a point;

Thence S 48° 35' 40" E continuing along the South line of the above said Quail Valley Utility District, a distance of 50.00 feet to a point;

Thence S 11° 43' 36" E continuing along the South line of the above said Quail Valley Utility District, a distance of 60.00 feet to a point;

Thence N 78° 16' 24" E continuing along the South line of the above said Quail Valley Utility District, a distance of 140.00 feet to a point;

Thence S 11° 42' 36" E continuing along the South line of the above said Quail Valley Utility District, a distance of 631.81 feet to a point;

Thence S 55° 04' 26" E continuing along the South line of the above said Quail Valley Utility District, a distance of 41.78 feet to a point;

Thence S 73° 54' 26" E continuing along the South line of the above said Quail Valley Utility District a distance of 95.00 feet to a point;

Thence S 11° 00' 26" E continuing along the South line of the above said Quail Valley Utility District, a distance of 250.00 feet to a point;

Thence S 28° 11' 34" W continuing along the South line of the above said Quail Valley Utility District, a distance of 125.00 feet to a point;

Thence S 58° 36' 26" E continuing along the South line of the above said Quail Valley Utility District, a distance of 280.00 feet to a point;

Thence N 75° 10' 34" E continuing along the South line of the above said Quail Valley Utility District, a distance of 70.00 feet to a point;

Thence S 14° 49' 24" E continuing along the South line of the above said Quail Valley Utility District, a distance of 235.00 feet to a point;

Thence S 75° 10' 34" W continuing along the South line of the above said Quail Valley Utility District, a distance of 60.00 feet to a point;

Thence S 20° 55' 34" W continuing along the South line of the above said Quail Valley Utility District, a distance of 180.00 feet to a point;

Thence S 55° 20' 53" E continuing along the South line of the above said Quail Valley Utility District, a distance of 58.56 feet to a point;

Thence S 19° 42' 14" E continuing along the South line of the above said Quail Valley Utility District, a distance of 118.19 feet to a point;

Thence S 39° 30' 27" E continuing along the South line of the above said Quail Valley Utility District, a distance of 89.40 feet to a point;

Thence S 89° 30' 40" E continuing along the South line of the above said Quail Valley Utility District, a distance of 125.50 feet to a point;

Thence S 46° 57' 02" E continuing along the South line of the above said Quail Valley Utility District, a distance of 296.48 feet to a point;

Thence S 50° 00' 41" W continuing along the South line of the above said Quail Valley Utility District, a distance of 225.57 feet to a point;

Thence S 21° 53' 59" W continuing along the South line of the above said Quail Valley Utility District a distance of 141.61 feet to a point;

Thence S 14° 29' 40" E continuing along the South line of the above said Quail Valley Utility District, a distance of 261.52 feet to a point;

Thence S 17° 47' 24" W continuing along the South line of the above said Quail Valley Utility District, a distance of 201.88 feet to a point;

Thence S 09° 11' 00" W continuing along the South line of the above said Quail Valley Utility District, a distance of 208.52 feet to a point;

Thence S 34° 17' 24" W continuing along the South line of the above said Quail Valley Utility District, a distance of 404.62 feet to a point;

Thence S 21° 36' 52" W continuing along the South line of the above said Quail Valley Utility District, a distance of 43.06 feet to a point;

Thence S 68° 23' 05" E continuing along the South line of the above said Quail Valley Utility District, a distance of 366.08 feet to a point;

Thence S 32° 35' 10" E continuing along the South line of the above said Quail Valley Utility District, a distance of 113.66 feet to a point;

Thence S 42° 26' 46" E continuing along the South line of the above said Quail Valley Utility District, a distance of 112.26 feet to a point;

Thence S 51° 30' 26" E continuing along the South line of the above said Quail Valley Utility District, a distance of 116.17 feet to a point;

Thence S 02° 46' 26" E a distance of 163.71 feet to a point for corner of the tract of land herein described;

Thence N 88° 58' 00" W a distance of 1992.68 feet to a point;

Thence S 88° 53' 40" W a distance of 1555.93 feet to a point;

Thence S 80° 53' 34" W a distance of 175.35 feet to a point;

Thence S 60° 23' 52" W a distance of 237.56 feet to a point;

Thence S 53° 23' 46" W a distance of 850.45 feet to a point;

Thence S 68° 23' 41" W a distance of 371.91 feet to a point;

Thence S 84° 03' 36" W a distance of 455.27 feet to a point;

Thence N 61° 45' 55" W a distance of 352.89 feet to a point;

Thence S 51° 21' 45" W a distance of 162.37 feet to a point in the Northeast right-of-way line of the above said Missouri Pacific R. R. 100.00 foot right-of-way;

Thence N 37° 42' 50" W following along the Northeast right-of-way line of the above said Missouri Pacific R. R. 100.00 foot right-of-way a distance of 2,795.28 feet to a point for the place of beginning of the tract of land herein described; save and except a 66.7266 acre tract of land more particularly described by metes and bounds as follows;

Being a 66.7266 acre tract of land out of the David Bright League, Abstract 13, Fort Bend County, Texas;

Commencing at a point in the East right-of-way line of Stafford-Dewalt Road (F.M. 1092) said point also being in the Northeast right-of-way line of a Missouri Pacific R. R. 100.00 foot right-of-way;

Thence N 01° 06' 02" W following along the East right-of-way line of the above said Stafford-Dewalt Road (F.M. 1092) a distance of 947.05 feet to a point for corner;

Thence S 89° 55' 32" E a distance of 1,459.43 feet to a point of curve;

Thence in an Easterly direction following along a curve to the left, having a radius of 709.94 feet, a central angle of 31° 28' 00", a length of 389.90 feet to a point of tangency;

Thence N 58° 36' 28" E a distance of 432.50 feet to a point of curve;

Thence in an Easterly direction following along a curve to the right, hav-

ing a radius of 913.35 feet, a central angle of $36^{\circ} 22' 00''$ a length of 579.72 feet, a distance of 579.72 feet to a point of tangency;

Thence S $85^{\circ} 01' 32''$ E a distance of 863.11 feet to a point for the place of beginning of the tract of land herein described;

Thence in a Northeasterly direction following along a curve to the right, having a radius of 360.81 feet, a central angle of $58^{\circ} 00' 00''$, a length of 365.24 feet, a distance of 327.02 feet to a point of tangency;

Thence N $69^{\circ} 02' 51''$ E a distance of 210.00 feet to a point of curve;

Thence in a Northerly direction following a curve to the left, having a radius of 140.19 feet, a central angle of $71^{\circ} 00' 00''$, a length of 173.73 feet a distance of 173.73 feet to a point of tangency;

Thence N $01^{\circ} 57' 09''$ W a distance of 230.00 feet to a point for corner of the tract of land herein described;

Thence N $88^{\circ} 02' 51''$ E a distance of 510.00 feet to a point of curve;

Thence in an Easterly direction following a curve to the right, having a radius of 569.23 feet, a central angle of $16^{\circ} 00' 00''$, a length of 158.96 feet, a distance of 158.96 feet to a point of tangency;

Thence S $75^{\circ} 57' 09''$ E a distance of 490.00 feet to a point of curve;

Thence in an Easterly direction following along a curve to the left, having a radius of 1,038.54 feet, a central angle of $11^{\circ} 00' 00''$, a length of 199.39 feet, a distance of 199.39 feet to a point of tangency;

Thence S $86^{\circ} 57' 09''$ E a distance of 310.00 feet to a point for corner of the tract of land herein described;

Thence S $06^{\circ} 02' 51''$ W a distance of 600.00 feet to a point of curve;

Thence in a Southerly direction following along a curve to the left, having a radius of 746.41 feet, a central angle of $12^{\circ} 56' 29''$, a length of 168.59 feet, a distance of 168.59 feet to a point of tangency;

Thence S $36^{\circ} 02' 51''$ W a distance of 657.92 feet to a point;

Thence S $70^{\circ} 02' 51''$ W a distance of 750.00 feet to a point;

Thence N $77^{\circ} 51' 20''$ W a distance of 546.18 feet to a point;

Thence N $62^{\circ} 57' 09''$ W a distance of 315.00 feet to a point of curve;

Thence in a Westerly direction following along a curve to the left, having a radius of 1,067.30 feet, a central angle of $16^{\circ} 00' 00''$, a length of 298.05 feet, a distance of 298.05 feet to a point of tangency;

Thence N $78^{\circ} 57' 09''$ W a distance of 30.00 feet to a point for corner of the tract of land herein described;

Thence N 11° 02' 51" E a distance of 660.00 feet to a point of curve;

Thence in a Northerly direction following along a curve to the right, having a radius of 360.81 feet, a central angle of 58° 00' 00", a length of 365.24 feet, a distance of 38.22 feet to a point for the place of beginning of the tract of land herein described.

Containing

Total Acreage	567.6566 Acres, more or less
Less Save and Except Tract	66.7266 Acres, more or less
Net Acreage	500.9300 Acres, more or less

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Charles A. Fisher
Billy R. Tempel
Frank Bender
Lynn W. Machen
David H. Barnes

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder

of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1724 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Thunderbird Utility District of Fort Bend County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1724, as amended, was passed to engrossment.

Representative Santiesteban entered the House and was announced present.

HB 1596 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1596, Adding to the jurisdiction of the County Court at Law of Orange County.

The bill was read second time and was passed to engrossment.

SB 929 ON SECOND READING
(Mr. Beckham—House Sponsor)

The Chair laid before the House, in lieu of HB 1669, on its second reading and passage to third reading,

SB 929, Relating to the creation; etc., of the Grayson County Airport Authority.

The bill was read second time and was passed to third reading.

HB 1669—LAID ON THE TABLE SUBJECT TO CALL

Mr. Beckham moved that HB 1669 be laid on the table subject to call.

There was no objection offered and it was so ordered.

Representatives Ligarde and Truan entered the House and were announced present.

SB 413 ON SECOND READING
(Mr. Jim Nugent—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 413, Creating Long Island Utility District.

The bill was read second time.

Mr. Foreman offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 413 by striking out Section 4 and inserting in lieu thereof:

Sec. 4. District Powers. The District herein created shall have and possess and is hereby vested with all rights, powers and privileges necessary, in carrying out the functions for which it is created as herein provided.

Without limiting the generality of the foregoing, the District shall be and is hereby empowered to exercise the following powers, privileges and functions:

(1) To provide a source of reclaimed water for municipal, domestic and industrial purposes; to lessen and control floods and excess waters; to reclaim lands in the District; to provide storm sewer and drainage facilities and improvements for the reclamation and drainage of lands in the District; to provide a sanitary sewer system, disposal plants and related facilities, equipment and machinery; to provide wharves, docks, levees, bulkheads, canals, and waterways in connection with or in aid of navigation of inland

or coastal waters or protection thereof and preservation of properties and territory of the District.

(2) To devise all plans and construct, acquire, own and operate all lands, appurtenances, machinery and equipment, all works, plants and facilities of every nature necessary in providing and maintaining the improvements mentioned in this Act and accomplishing their purposes including, without limitation, storing, treating, preserving and distributing reclaimed water and collecting, processing, transporting and disposing of sewage and industrial and communal wastes.

(3) To dispose of property or rights therein when the same are no longer needed for the purposes for which the District is created or to lease same for purposes which will not interfere with the use of the property of the District.

(4) To cooperate with and contract with the State of Texas, the United States of America, or with any of their departments or agencies now existing, or which may hereafter be created, or with other individuals, corporations or political subdivisions of the State, to carry out any of the powers or to further any of the purposes of the District and, for such purposes, to receive grants, loans, advancements or gifts therefrom in absolute title, in trust, or upon conditions as may be approved by the Board of Directors.

(5) To make or cause to be made surveys and engineering investigations for the information of the District to facilitate the accomplishment of its purposes and to employ a general manager, attorneys, accountants, engineers, financial experts, or other technical or nontechnical employees or assistants; further to fix the amount and manner of their compensation and to provide for the payment of all expenditures deemed essential to the proper operation and maintenance of the District and its affairs.

(6) To exercise all functions to permit the accomplishment of its purposes, including the acquisition within or without said District of land, easements, and rights-of-way and any other character of property necessary in carrying out the purposes and work of the District by way of gift, devise, purchase, leasehold or condemnation. The right of eminent domain is hereby expressly conferred on said District, and the procedure with reference to condemnation, the assessment of and estimating of damages, payment, appeal, the entering upon the property pending appeal and other procedures prescribed in Title 52 of the Revised Civil Statutes of Texas, 1925, as heretofore or hereafter amended, shall apply to said District. It is expressly provided, however, that the power of eminent domain herein conferred shall extend only to property or interests therein lying within Cameron County.

In the event that the District, in the exercise of the power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term sole expense shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of such

facilities, after deducting therefrom the net salvage value derived from the old facility.

Committee Amendment No. 2

Amend SB 413 by striking the phrase "Hidalgo County" wherever it appears in Section 19 of said bill, and inserting in lieu thereof the phrase "Cameron County"

The committee amendments were severally adopted without objection.

SB 413, as amended, was passed to third reading.

Representatives Semos, Wayne, and Williamson entered the House and were announced present.

HB 466 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 466, Relating to the establishment of the Texas Commission on Services to Children and Youth.

The bill was read second time.

Mr. Zan Holmes offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 466 by striking all below the enacting clause and substituting the following:

Section 1. Creation of Commission; Membership. The Texas Commission on Services to Children and Youth is established. The commission consists of the commissioner of health, the state commissioner of education, the chairman of the Coordinating Board, Texas College and University System, the commissioner of public welfare, the commissioner of mental health and mental retardation, the director of the Texas Department of Corrections, the director of the Texas Department of Public Safety, the executive director of the State Commission for the Blind, the executive director of the Texas Youth Council, the director of the Texas Employment Commission and the director of the Texas Rehabilitation Commission as permanent members. The commission also consists of 18 lay members, who must be widely representative of the racial, ethnic, and economic makeup of the population of the State of Texas, appointed by the governor with the advice and consent of the Senate. Six of the lay members must, at the time of appointment, be younger than 21 years of age.

Sec. 2. Terms of Office. The terms of office of the 18 lay members continue for a period of six years and until a successor is appointed and has qualified. Of the members first appointed by the governor, the terms of six

members expire on January 31, 1973; the terms of six members expire on January 31, 1975; and the terms of six members expire on January 31, 1977.

Sec. 3. Chairman; Meetings. (a) The chairman of the commission shall be elected from its lay members. The chairman shall then preside over the election of other necessary officers from the entire commission. The governor shall name the first chairman, who shall serve until a successor is elected.

(b) The commission shall hold periodic meetings at a place designated by the commission. The governor shall call the first meeting.

Sec. 4. Duties of the Commission. (a) The commission shall assist in the coordination of the administrative responsibility and the services of the state agencies and programs as they relate to the well-being of children and youth.

(b) The commission shall undertake a continuous study of matters relevant to the protection, growth, and development of children and youth and from that study shall, on a priority basis, indicate periodically to the legislature necessary changes.

(c) The commission may undertake any other activities which it feels will encourage other public and private bodies throughout the state to engage in children and youth development programs.

(d) The commission shall perform any duties assigned to it by the governor or the Legislature concerning all past and future White House Conferences on Children and Youth.

Sec. 5. Expenses of Members. The members of the commission are entitled to receive their actual travel and other necessary expenses in the performance of their duties.

Sec. 6. Commission Budget. For budgetary purposes the commission is attached to and considered a part of the State-Local Relations Division of the Governor's Office or any successor agency to that division, with necessary expenses of operation to be financed by appropriations made by the Legislature.

Sec. 7. Commission Staff. For purposes of staff support, the commission may use staff available to it from the State-Local Relations Division of the Governor's Office or any successor agency to that division.

Sec. 8. Gifts and Grants of Money. The commission may accept gifts and grants of money from any individual, group, association, corporation, or the federal government and may expend the funds in accordance with the specific purpose for which given and under conditions that may be imposed by the donor.

Sec. 9. Annual Report. On or before the first day of December of each year the commission shall make in writing a complete and detailed report of its activities to the governor and to the presiding officer of each House of the Legislature.

Sec. 10. Cooperation of Other Agencies. All state agencies, officers,

and employees shall cooperate with the commission to the extent consistent with their functions.

Sec. 11. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 466, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Nabers requested to be recorded as voting Nay on the passage to engrossment of HB 466.

HB 1492 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1492, Removing the Thirty Million Dollar limitation on the purchase by the Texas Water Development Board of bonds or other securities of a political subdivision.

The bill was read second time and was passed to engrossment.

Representative Tarbox entered the House and was announced present.

SB 502 ON SECOND READING (Mr. Golman—House Sponsor)

The Chair laid before the House, in lieu of HB 818, on its second reading and passage to third reading,

SB 502, Relating to the supervision fees and examination fees of credit unions.

The bill was read second time and was passed to third reading.

HB 818—LAID ON THE TABLE SUBJECT TO CALL

Mr. Golman moved that HB 818 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 1662 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1662, Requiring the Texas School for the Deaf to remain open and hold classes for 12 months of the year.

The bill was read second time and was passed to engrossment.

HB 1053 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1053, Relating to the salaries of certain county and district officials in certain counties.

The bill was read second time and was passed to engrossment.

HB 1216 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1216, Relating to the abolition of the offices of elective county superintendent and county board of school trustees by certain means.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1216 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 17.64, Texas Education Code, is amended to read as follows:

"Section 17.64. Abolition of Offices. (a) Upon a petition of 10 percent of the qualified voters who cast a vote in the governor's race at the preceding general election in counties of less than 100,000 population according to the last federal census; or upon a petition of 8 percent of the qualified voters who cast a vote in the governor's race at the preceding general election in counties of 100,000 or more population according to the last federal census, the county judge shall within 90 days of the receipt of such petition call an election to determine by majority vote whether the office of elective county superintendent, shall be abolished, or whether the office of elective county superintendent and the board of county school trustees shall be abolished. At the election the ballots shall provide for voting for or against one of the following propositions according to the nature of the petition:

"(1) 'Abolishment of the office of elective county superintendent.'

"(2) 'Abolishment of the offices of elective county superintendent and board of county school trustees.'

"(b) Where the majority of the qualified electors approve the abolition of the office of elective county superintendent or abolition of the office of elective county school superintendent and abolition of the board of county

school trustees, the duties of such abolished office and/or board as may still be required by law shall be performed by the superintendents of the independent school districts located in the county.

"(c) Nothing in this section shall apply to counties of 900,000 or more where the county superintendent and his staff are paid by the county. There shall be a county superintendent's office in these counties whether or not there is a common school district therein. The salaries of the county superintendent and his employees shall be set by the school board in said county."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 1216, as amended, was passed to engrossment.

VOTE RECORDED

Representatives Adams and Nabers requested to be recorded as voting Nay on the passage to engrossment of HB 1216.

HB 1268 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1268, Providing that in all counties of 750,000 to 1,000,000 population the board of hospital managers for the county hospital district shall supervise and be responsible for all purchases and expenditures, etc.

The bill was read second time.

Mr. Floyd offered the following amendment to the bill:

Amend HB 1268 second printing by striking the figure "\$2,000" on line 44 and substituting the figure "\$1,000" in lieu thereof.

The amendment was adopted without objection.

HB 1268, as amended, was passed to engrossment.

SB 629 ON SECOND READING (Mr. Cavness—House Sponsor)

The Chair laid before the House, in lieu of HB 1122, on its second reading and passage to third reading,

SB 629, Permitting extensions of the term of oil and gas leases issued by the Commissioner of the General Land Office for a certain time.

The bill was read second time.

Mr. Cavness offered the following amendment to the bill:

Amend SB 629 by striking all below the Enacting Clause and substituting in lieu thereof the following:

Section 1. Section 2, Chapter 255, Acts of the 53rd Legislature, Regular Session, 1953 (Article 5382e, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. If, at the expiration of the primary term of any oil or gas lease heretofore or hereafter issued by the Commissioner of the General Land Office covering areas described in Section 1 hereof, production of oil or gas has not been obtained on the leased premises but drilling operations are being conducted thereon in good faith and in good and workmanlike manner, the lessee may, on or before the expiration of the primary term, file in the General Land Office written application to the Commissioner of the General Land Office for a thirty (30) day extension of such lease, accompanied by payment of Three Thousand (\$3,000.00) Dollars for six hundred forty (640) acres or less, and Six Thousand Dollars (\$6,000.00) for more than six hundred forty (640) acres, and the Commissioner shall, in writing, extend such lease for a thirty (30) day period from and after the expiration of the primary term and so long thereafter as oil or gas is produced in paying quantities; provided further, that lessee may, so long as such drilling operations are being conducted, make like application and payment during any thirty (30) days extended period for an additional extension of thirty (30) days and, upon receipt of such application and payment, the Commissioner shall, in writing, again extend the lease so that same shall remain in force for such additional thirty (30) day period and so long thereafter as oil or gas is produced in paying quantities; provided, however, that no lease shall be extended under the provisions of this section for more than a total of three hundred ninety (390) days from and after the expiration of the primary term unless production in paying quantities has been obtained."

Sec. 2. The fact that the present law relating to extensions of the term of oil and gas leases issued by the Commissioner of the General Land Office permits extensions for only 180 days which is insufficient for deep drilling, and the importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule requiring bills to take effect and go into force 90 days after adjournment be suspended, and said Rules are hereby suspended, and this Act shall take effect and be enforced from and after its passage and it is so enacted.

The amendment was adopted without objection.

SB 629, as amended, was passed to third reading.

HB 1122—LAID ON TABLE SUBJECT TO CALL

Mr. Cavness moved that HB 1122 be laid on the table subject to call.

There was no objection offered and it was so ordered.

Representative Price entered the House and was announced present.

HB 1353 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1353, Relating to salaries of deputy sheriffs in certain counties.

The bill was read second time and was passed to engrossment.

HB 1607 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1607, Relating to the salaries of the assistants to the county school superintendent in certain counties.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1607, First Printing, by:

(1) striking on line 18 the amount "\$9,500" and substituting the amount "\$11,000"; and

(2) striking the sentence beginning on line 18 and ending on line 20.

The committee amendment was adopted without objection.

HB 1607, as amended, was passed to engrossment.

Representatives Zan Holmes, Stroud, and Sanchez entered the House and were announced present.

HB 52 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 52, Increasing the penalty for dumping, depositing, or leaving refuse, etc., on or near a public highway.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 52, First Printing, by substituting the phrase "\$50 and not more than \$400" for the phrase "\$250 and not more than \$500" in line 23.

The committee amendment was adopted without objection.

HB 52, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Nabers requested to be recorded as voting Nay on the passage to engrossment of HB 52.

Representatives Johnson and Kilpatrick entered the House and were announced present.

HB 1016 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1016, Relating to the state mental hospital to which defendants shall be committed; relating to the reimbursement of said hospital.

The bill was read second time and was passed to engrossment.

HB 50 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 50, Providing for the issuance of capias for arrest of a defendant following forfeiture of bail.

The bill was read second time.

Mr. Cobb offered the following committee amendment to the bill:

Committee Amendment No. 1

HB 50 is amended to strike all after the enacting clause and inserting the following:

Section 1. Article 23.05, Code of Criminal Procedure, 1965, is amended to read as follows:

"Article 23.05 Capias after forfeiture

"Where a forfeiture of bail is declared, a capias shall be immediately issued for the arrest of the defendant, and when arrested, in its dis-

cretion, the Court may require the defendant, in order to be released from custody, to deposit with the custodian of funds of the court in which the prosecution is pending current money of the United States in the amount of the new bond as set by the court, in lieu of a surety bond, unless the forfeiture taken has been set aside under the third subdivision of Article 22.13 of this code, in which case the defendant and his sureties shall remain bound under the same bail."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 50, as amended, was passed to engrossment.

HB 1632 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1632, Relating to the compensation of certain substation deputy tax collectors.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1632.

Representative Allred entered the House and was announced present.

HB 1414 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1414, Authorizing the Texas Water Rights Commission to require recreational purposes as an authorized use of public water impounded and appropriated under permits from the Commission.

The bill was read second time.

Mr. Kaster offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1414 by striking all of Section 1 and substituting in lieu thereof:

Section 1. Section 6.068, subsection (f), Water Code, is amended to read as follows:

"(f) The fee for impounding water, except under Section 5.140 of this code, is fifty cents (50¢) per acre-foot of storage, based on the total holding capacity of the reservoir at normal operating level, provided that no additional fee shall be charged for recreational use for any impoundments of water now or hereafter permitted by the State, or exempted from permit by statute."

Committee Amendment No. 2

Amend HB 1414 by striking all above the enacting clause and substituting in lieu thereof:

"An Act amending Section 6.068, subsection (f), Water Code, relating to fees for the use of impounded water for recreation purposes."

The committee amendments were severally adopted without objection.

HB 1414, as amended, was passed to engrossment.

HB 1683 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1683, Authorizing cities, towns, and villages to contract with civic center authorities.

The bill was read second time.

Mr. Doyle offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1683, First Printing, by striking lines 33 through 37, page 2, and substituting the following:

"(b) Only electors of the city who are qualified to vote at such elections under the Constitution and laws of the State of Texas and the Constitution of the United States shall be entitled to vote at such elections."

The committee amendment was adopted without objection.

HB 1683, as amended, was passed to engrossment.

COMMITTEE MEETING

Mr. Carl Parker asked unanimous consent of the House that the Committee on Judicial Districts be permitted to meet at this time.

There was no objection offered.

Representative Nelms entered the House and was announced present.

HB 1627 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1627, Relating to incorporated cities with a population of not less than 7,800 nor more than 8,000; validating certain unenforceable tax levies; etc.

The bill was read second time and was passed to engrossment.

HB 977 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 977, Creating Concord Public Utility District.

The bill was read second time.

(Speaker in the Chair)

Mr. Williams offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 977 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Bexar County, Texas, to be known as Concord Public Utility District, hereinafter called the District, which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59,

of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Bexar County, Texas, and being 752.733 acres, more or less, out of Lots 35, 37, 38, 43, 44, 45 and 46, County Block 4017, in the Jose Alameda Survey No. 81, as recorded in Book Volume No. 133, Pages 456 to 459, of the Deed and Plat Records of Bexar County, Texas, and more particularly described as follows:

Beginning at an iron pin found in the southwest right-of-way line of Bandera Road (State Highway 16), said point being the East end of a cut-off line at the intersection of the southwest right-of-way line of Bandera Road and the south right-of-way line of Braun Road.

Thence, S 35° 32' 04" E 1054.34 feet along a fence on the southwest right-of-way line of Bandera Road to a found iron pin.

Thence, S 00° 18' 49" W 1139.88 feet along a fence to a found iron pin.

Thence, S 00° 05' 20" W 264.03 feet along a fence to a set iron pin.

Thence, N 89° 38' 20" W 1919.99 feet to a set iron pin.

Thence, S 00° 12' 52" W 2275.34 feet to an iron pin set in the north right-of-way line of Gilbeau Road.

Thence, in a Westerly direction with the meanders of the present north right-of-way line of Gilbeau Road and along a fence, as follows:

West 1413.44 feet to a set iron pin.

N 89° 49' 59" W 1552.57 feet to a set iron pin.

N 89° 37' 00" W 1394.52 feet to a set iron pin.

N 89° 53' 56" W 1937.53 feet to a set iron pin at the intersection of the north right-of-way line of Gilbeau Road with the east right-of-way line of Tezel Road, for the southwest corner of this tract.

Thence, in a Northerly direction with the meanders of the present east right-of-way line of Tezel Road and along a fence, as follows:

N 00° 02' 26" E 1480.78 feet to a set iron pin.

N 00° 18' 53" E 1553.05 feet to a set iron pin.

N 00° 11' 08" E 518.99 feet to a set iron pin.

N 00° 16' 30" E 716.43 feet to a set iron pin.

N 00° 18' 47" E 292.85 feet to a set iron pin at the intersection of the east right-of-way line of Tezel Road with the south right-of-way line of Braun Road, for the northwest corner of this tract.

Thence, in an Easterly direction with the south right-of-way line of Braun Road, as follows:

S 89° 19' 29" E 439.24 feet to a set iron pin.

S 89° 44' 29" E 1761.34 feet to a set iron pin.

S 89° 13' 59" E 395.50 feet to a set iron pin.

S 89° 49' 19" E 4918.57 feet to a set iron pin at the west end of a cut-off line at the intersection of the south right-of way line of Braun Road with the southwest right-of-way line of Bandera Road.

Thence, S 77° 04' 41" E 91.86 feet along said cut-off line to the point of beginning.

Containing 752.733 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Udo Marbach
John M. Moran
John T. Saunders
William F. Trieschmann
Curtis Vaughan, Jr.

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. No land shall be added to or annexed by the District without the consent of the City of San Antonio.

Section 8. It is expressly provided that any contract entered into by the district with any persons, corporations (public or private), municipal corporations, political subdivisions of the State of Texas, and others, for the purchase of water or for sewerage disposal shall not be binding on the City of San Antonio or the Water Works Board of Trustees in the event that all or any part of the district is annexed by the City of San Antonio.

Section 9. The district shall submit to the City of San Antonio prior to the commencement of any construction within the district all plans and

specifications for the construction of water, sanitary sewer and drainage facilities to serve the district and obtain the approval of such plans and specifications. Prior to the construction of such facilities within the district, the district or its engineer shall give written notice by registered or certified mail to the City of San Antonio stating the date that such construction will be commenced. The construction of the district's water, sanitary sewer and drainage facilities shall be in accordance with the plans and specifications as approved by the City Council of the City of San Antonio, and during the progress of the construction and installation of such facilities an employee or representative of the City of San Antonio shall make periodic on-the-ground inspections. The Texas Water Rights Commission shall not approve bonds of the district unless the plans and specifications for which the funds will be used have been approved by the City of San Antonio.

Section 10. The district is directed to adopt and enforce reasonable and effective regulations to secure and maintain safe, sanitary, and adequate plumbing installations, connections, and appurtenances thereto, as subsidiary parts of the district's sewerage system, to aid in preserving the quality of all water within or controlled by the district.

Section 11. District shall also be subject to the provisions of Article 1182c-1, V.T.C.S., as amended.

Section 12. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 13. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 14. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 977 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Concord Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created

under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; providing for no addition or annexation of land without the consent of San Antonio; providing certain contracts shall not be binding on City of San Antonio; providing for approval of plans and specifications by City of San Antonio; and related matters; providing for plumbing code; adopting provisions of Article 1182c-1; V.T.C.S.; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 977, as amended, was passed to engrossment.

HB 857 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 857, Amending Business and Commerce Code.

The bill was read second time and was passed to engrossment.

HB 1409 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1409, Relating to the voting rights of certain state bank stock.

The bill was read second time.

Mr. Clayton offered the following amendment to the bill:

Amend HB 1409 by striking all below the caption and by substituting the following therefor:

Section 1. Chapter IV, Article 2, as amended, of The Texas Banking Code of 1943, (codified as Article 342-402 of Vernon's Texas Civil Statutes), is hereby amended so as to hereafter read as follows:

Article 2. Stockholders' Meetings-Quorum-Voting

"The stockholders of each state bank shall hold one regular meeting each year at the time prescribed in its bylaws, and such special meetings as may be deemed necessary after notice as prescribed in the bylaws. At all stockholder's meetings the owners of a majority of the capital stock, present in person or by proxy, shall constitute a quorum. In the absence of a quorum a stockholders' meeting may be adjourned from time to time without notice to the stockholders. Each stockholder of record shall be entitled to one vote for each share of stock owned by him, which he may cast in person or by

proxy duly authorized in writing filed among the records of the bank. Stock owned of record by an estate shall be voted by its executor, administrator, guardian, trustee or personal representative, and stock held in a fiduciary capacity shall be voted by the fiduciary, but stock which is owned or held by the state bank in any such capacity and stock which is acquired by the state bank in any other lawful manner shall not be voted by the bank for any purpose and shall not be included in determining whether or not a quorum is present at any annual or special meeting of the stockholders; provided, however, if the voting rights to stock held in trust by a state bank are vested in a person or third party other than the bank, such stock may be voted by such person or third party or their proxy and shall be included in determining whether or not a quorum is present at any annual or special meeting of the stockholders."

Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

HB 1409, as amended, was passed to engrossment.

VOTES RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1409.

Mr. Orr requested to be recorded as voting Present—Not Voting on the passage to engrossment of HB 1409.

HB 268 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 268, Making the offer to sell a narcotic drug a felony; making the offer to buy a narcotic drug a misdemeanor.

The bill was read second time.

Mr. Uher offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 268 by striking all below the enacting clause and substituting the following:

Section 1. Subsection (a), Section 2, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code), is amended to read as follows:

"(a) It shall be unlawful for any person to manufacture, possess, have

under his control, sell, prescribe, administer, dispense, compound, or offer to sell any narcotic drug."

Sec. 2. Section 2A, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code), is amended to read as follows:

"Section 2A. It shall not be unlawful to manufacture, possess, have, control, sell, offer to sell, offer to buy, prescribe, administer, dispense, or compound any narcotic drug or any hypodermic syringe, needle, or other instrument adapted to the use of narcotic drugs where same is authorized under the terms of this Act."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 268 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act making the offer to sell a narcotic drug a felony; amending Subsection (a), Section 2, and Section 2A, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code); and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 268, as amended, was passed to engrossment.

HB 1684 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1684, Providing for a separate Office of State-Federal Relations; providing that the Director of the Office of State-Federal Relations shall serve at the pleasure of the Governor.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1684.

Representative D. Davis entered the House and was announced present.

HB 1672 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1672, Relating to contracts and leases for the operation of water systems.

The bill was read second time and was passed to engrossment.

HB 862 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 862, Relating to creditable service under the Employees Retirement System in certain circumstances.

The bill was read second time.

Mr. Niland offered the following amendment to the bill:

Amend HB 862, Second Printing, by striking all below the enacting clause and substituting the following:

Section 1. Section 4, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended by adding a new Subsection H to read as follows:

"H. (1) A member may claim service during which the member was employed by the State in that his duties, responsibilities, and terms of employment were established by the State or any agency or department of the State, but his salary or compensation was paid by a county, as creditable service unless such service is or was simultaneously credited by any other Retirement System or program established under or governed by the laws of this State. Contributions are required of members claiming service under this Subsection and shall be based upon the salary received during the periods of time for which such service is claimed.

"(2) A member may claim service during which the member was a county attorney unless such service is or was simultaneously credited by any other Retirement System or program established under or governed by the laws of this State. Contributions required of members claiming service as a county attorney shall be based on state salaries paid to district attorneys during the period of time for which such service is claimed.

"(3) The Employee Retirement System shall verify all such service claimed under the provisions of this subsection. Credit for such service shall be granted only after payment of all contributions, penalties, and fees required. Credit for such service granted by the Employee Retirement System may not thereafter be simultaneously credited by any other retirement system or program.

"(4) Members who fail to establish service claimed under this subsection within 12 months after the effective date of this Act, or within 12 months after first becoming eligible, shall pay a penalty interest at the rate of

six percent per year dating from the date of first eligibility. Penalty interest shall be credited to the State accumulation fund. State matching contributions from the State shall be provided in the same manner as set forth in applicable provisions of this Act."

Sec. 2. The Legislature finds that throughout the State of Texas in those counties in which there is a district attorney, the county attorneys have exercised the powers of assistant district attorney, even though they have not been so designated by statute as assistant district attorneys. The Legislature further finds that by statute the county attorneys have been given the duty, in the absence of the district attorney, to represent the State of Texas in all criminal cases under examination or prosecution in their counties. The Legislature further finds that by statute the county attorneys of the State have been required to act in behalf of the State of Texas in matters of habeas corpus, in the absence of the district attorney, and that the county attorneys have been directed by statute to accept felony complaints, and when requested the county attorneys have been directed to assist the district attorney in the presentation of matters before a grand jury, and in the trial of felony cases. The Legislature further finds that the county attorneys have been directed by statute to report to the Attorney General when so requested such information as may be required in relation to criminal matters and the interest of the State. Therefore the Legislature finds and determines that the various county attorneys of the State are state officials.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

HB 862, as amended, was passed to engrossment.

SB 563 ON SECOND READING
(Mr. Coats—House Sponsor)

The Speaker laid before the House, in lieu of HB 1164, on its second reading and passage to third reading,

SB 563, Relating to recovery of attorney's fees in suits to collect unpaid claims.

The bill was read second time and was passed to third reading.

HB 1164—LAID ON THE TABLE SUBJECT TO CALL

Mr. Coats moved that HB 1164 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 534 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 534, Relating to the punishment for threatening a witness in a criminal proceeding.

The bill was read second time.

Mr. Gammage offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 534 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. The Penal Code of Texas, 1925, is amended by adding Article 428a to read as follows:

"Article 428a. Tampering with witness

"(a) A person commits an offense if he offers, confers, or agrees to confer any benefit upon a witness or prospective witness in an official proceeding, or coerces a witness or prospective witness in an official proceeding with intent to influence the witness:

- (1) to testify falsely;
 - (2) to withhold any testimony, information, document, or thing;
 - (3) to elude legal process summoning him to testify or supply evidence;
- or
- (4) to absent himself from an official proceeding to which he has been legally summoned.

"(b) A witness or prospective witness in an official proceeding commits an offense if he solicits, accepts, or agrees to accept any benefit on the representation or understanding that he will do any of the things specified in Section (a).

"(c) For the purposes of this Article:

"(1) 'Benefit' means anything reasonably regarded as economic gain or advantage, including benefit to any other person in whose welfare the beneficiary is interested.

"(2) 'Coerce' means to threaten by any method of communication:

- "(A) to commit any offense;
- "(B) to accuse any person of any offense;
- "(C) to expose any person to hatred, contempt, or ridicule;
- "(D) to harm the credit or business repute of any person;

"(E) to take or withhold action as a public servant or to cause a public servant to take or withhold action.

"(3) 'Official proceeding' means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant authorized by law to take statements under oath.

"(d) An offense under this Article is a felony punishable by confinement in the penitentiary for not less than two and not more than six years."

Section 2. Articles 175 and 176, Penal Code of Texas, 1925, are repealed.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 534 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the corruption of witnesses or prospective witnesses in official proceedings; providing penalties for violation; amending the Penal Code of Texas, 1925, by adding Article 428a; repealing Articles 175 and 176, Penal Code of Texas, 1925; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 534, as amended, was passed to engrossment.

HB 267 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 267, Making the offer to sell or deliver a dangerous drug a felony; making the offer to buy a dangerous drug a misdemeanor.

The bill was read second time.

Mr. Uher offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 267 by striking all below the enacting clause and substituting the following:

Section 1. Section 3, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), is amended to read as follows:

"Section 3. The following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure are hereby declared unlawful, except as provided in Section 4:

"(a) The delivery or offer of delivery of any dangerous drug unless:

"(1) Such dangerous drug is delivered or offered to be delivered by a pharmacist, on an original prescription, and there is affixed to the immediate container in which such drug is delivered or offered to be delivered a label bearing the name and address of the owner of the establishment from which such drug was delivered or offered to be delivered; the date on which the prescription for such drug was filled; the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription; the name of the practitioner who prescribed such drug; the name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal; and the directions for use of the drug as contained in the prescription; or

"(2) Such dangerous drug is delivered or offered to be delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered or offered to be delivered bears a label on which appears the directions for use of such drug, the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal, a statement showing the species of the animal.

"(b) The refilling of any prescription for a dangerous drug, unless and as designated on the prescription by the practitioner, or through authorization by the practitioner at the time of refilling.

"(c) The delivery of a dangerous drug upon prescription unless the pharmacist who filled such prescription files and retains it as required in Section 6.

"(d) The possession of a barbiturate or hypnotic drug, as well as those drugs set forth in Section 2(a) hereof, by any person unless such person obtained the drug under the specific provision of Section 3(a)(1) and (2) of this Act and possesses the drug in the container in which it was delivered to him by the pharmacist or practitioner selling or dispensing the same; and any other possession of a barbiturate or hypnotic drug, as well as those drugs set forth in Section 2(a) hereof, shall be prima facie evidence of illegal possession.

"(e) The refusal to make available and to accord full opportunity to check any record or file as required by Section 6 and Section 7.

"(f) The failure to keep records as required by Section 5 and Section 7.

"(g) The using of any person to his own advantage, or revealing, other than to an officer or employee of the State Board of Pharmacy, or to a court when relevant in a judicial proceeding under this Act, any information required under the authority of Section 6, concerning any method or process which as a trade secret is entitled to protection."

Sec. 2, Subsection (b), Section 15, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), is amended to read as follows:

"(b) Any person who sells or delivers or offers to sell or deliver in violation of this Act any dangerous drug defined in this Act, shall be guilty of a felony and upon conviction is punishable by confinement in the penitentiary for not less than two (2) nor more than ten (10) years."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 267 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act making the offer to sell or deliver a dangerous drug a felony; providing penalties; amending Section 3, and Subsection (b) of Section 15, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code); and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 267, as amended, was passed to engrossment.

HB 591 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 591, Relating to hours of work for employees.

The bill was read second time.

Mr. Nelms offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 591, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Chapter 68, Acts of the 48th Legislature, 1943, as amended (Article 5172a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. No female employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant, rooming house, theater, moving picture show, barber shop, beauty shop, roadside drink and/or food vending establishment, telegraph, telephone or other office, express or transportation company, state institution, or any other establishment, institution or other business enterprise, shall be required by her employer to work in excess of nine (9) hours in any twenty four (24) hour day, nor more than fifty-four (54) hours in any one calendar week, without the consent of the affected employee.

"Section 2. Every employer owning or operating any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant or rooming house, theater or moving picture show, barber shop, beauty shop,

telegraph or telephone company, or other office, express or transportation company; the superintendent of any state institution or any other establishment, institution or enterprise where females are employed as provided in the preceding Section, shall provide and furnish suitable seats, to be used by such employees when not engaged in the active duties of their employment and shall give notice to all such employees by posting a notice in a conspicuous place on the premises of such employment, in letters not less than one inch in height, that all such employees will be permitted to use such seats when not so engaged.

"Section 3. The two (2) preceding Sections shall not apply to:

"(1) Female employees employed in any bona fide executive administrative, professional, or outside sales capacity.

"Section 4. In case of extraordinary emergencies, such as great public calamities, or where it becomes necessary for the protection of human life or property, longer hours may be worked; but for such time not less than one and one-half times the regular rate at which such female is employed shall be paid to such female with her consent. Unless otherwise provided herein, any female employee who works more than forty (40) hours per week shall be entitled to receive from the employer pay at a rate not less than one and one-half times the regular rate for which such female is employed for all hours in excess of nine (9) hours per day, provided the employee actually works more than forty (40) hours per week.

"Section 5. Any employer, overseer, superintendent, foreman, or other agent of any such employer who shall permit any female to work in any place mentioned in Section 1 of this Act more than the number of hours provided therein in any one day of twenty-four (24) hours in any one calendar week, or who shall violate any of the other provisions or requirements of the Act in any respect, or who having furnished and provided suitable seats as provided for in Section 4, shall by intimidation, instruction, threats, or in any manner, prevent such female from sitting thereon, when not attending the duties of her position, shall be fined not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars. Each day of such violation and each calendar week of such violation, and each employee permitted to work in said places more than the hours so specified in this Chapter, and every other violation of the provisions of this Chapter, shall be considered a separate offense.

"Section 6. Saving Clause. That in the event any Section or part of a Section of the provision of this Act be held invalid, unconstitutional, or inoperative, this shall not affect the validity of the remaining Sections, or parts of Sections of this Act; but the remainder of the Act shall be given effect as if said invalid, unconstitutional or inoperative Section, or part of Section or provision, had not been included. In the event any penalty, right or remedy created or given in any Section or part of this Act is held invalid, unconstitutional or inoperative, this shall not affect the validity of any other penalty, right or remedy created or given either in the whole Act or in the Section thereof containing such invalid, unconstitutional or inoperative part; and if any exception to, or any limitation upon any general provision herein contained shall be held to be unconstitutional or invalid, the general provisions shall nevertheless stand effective and valid as if the same had been enacted without such limitation or exceptions."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 591, First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the hours and conditions of employment of females; amending Chapter 68, Acts of the 48th Legislature, 1943, as amended (Article 5172a, Vernon's Texas Civil Statutes), in order to eliminate any conflict between the provisions of this Act and the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 200(e) et seq., and to preserve the protections of this Act which the state has a legitimate interest in preserving, insofar as these protections are not inconsistent with the aforesaid federal statute; providing for severability; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 591, as amended, was passed to engrossment.

HB 1202 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1202, Relating to the release of a defendant on personal bond.

The bill was read second time and was passed to engrossment.

HB 1656 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1656, Granting to the City of Corpus Christi, the United States Corps of Engineers, and their duly authorized agents, etc., a construction easement for restoration of Corpus Christi Beach.

The bill was read second time.

Mr. Hale offered the following amendment to the bill:

Amend HB 1656, Second Printing, on page 1, line 35, by adding the following immediately after the word "operations":

"without payment to the state for any fill material of any kind or character removed from the borrow areas described in Section 3,"

The amendment was adopted without objection.

HB 1656, as amended, was passed to engrossment.

HB 1046 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1046, Authorizing certain drainage districts to contract for work performed, etc.

The bill was read second time.

Mr. Baker offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1046, First Printing, to renumber the present Section 3 as Section 5 and to insert new Sections 3 and 4 to read as follows:

Sec. 3. Section 9, Article 8161d, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Section 9. The provisions of this Act shall apply only to counties having a population of not less than 108,000 nor more than 109,000, according to the last preceding federal census."

Sec. 4. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Committee Amendment No. 2

Amend HB 1046, First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act authorizing drainage districts subject to the provisions of Article 8161d, Revised Civil Statutes of Texas, 1925, to contract for work to be performed and to purchase equipment, material and supplies in amounts not to exceed \$1,000 without taking bids therefor; increasing the per diem compensation and automobile expense allowance of commissioners of such districts; amending Sections 2, 8, and 9, Article 8161d, Revised Civil Statutes of Texas, 1925, to accomplish the foregoing purposes; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1046, as amended, was passed to engrossment.

HB 631 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 631, Authorizing the importation of not more than a certain amount of distilled spirits containing a certain amount in each container for use and consumption and not for resale.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Adams and Williamson requested to be recorded as voting Nay on the passage to engrossment of HB 631.

HB 1714 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1714, Relating to the authorization for life insurance companies to make student loans guaranteed by the federal government.

The bill was read second time and was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, May 11, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 430, By Hall: Relating to deceptive trade practices and consumer protection; and declaring an emergency.

Respectfully,
CHARLES SCHNABEL
Secretary of the Senate

CONSIDERATION OF BILLS ON LOCAL
AND CONSENT CALENDAR—(continued)

HB 887 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 887, Permitting courts to order the payment of fines and costs in installments or at a later date.

The bill was read second time and was passed to engrossment.

HB 968 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 968, Relating to certain insurers giving policyholders credit for any or all hazards that have been reduced or removed.

The bill was read second time.

Mr. Orr offered the following committee amendments to the bill:

Committee Amendment No. 1

Strike all below the enacting clause and substitute the following:

Section 1. Article 5.33, Texas Insurance Code, is amended to read as follows:

Article 5.33. Reducing Hazard

The Board shall have full authority and power to give each city, town, village or locality credit for each and every hazard they may reduce or entirely remove, and also for all added fire fighting equipment, increased police protection, or any other equipment or improvement that has a tendency to reduce the fire hazard of any such city, town, village or locality, and also to give credit for a good fire record made by any city, town, village or locality. Said Board shall also have the power and authority to compel any company to give any or all policyholders credit for any and all hazards said policyholder or holders may reduce or remove. For the purposes of this Article, the installation of a new standard fire hydrant approved by the State Board of Insurance within the required distance of a risk as prescribed by the State Board of Insurance shall constitute a reduction in hazard by the policyholder or holders. Said credit shall be in proportion to such reduction or removal of such hazard and said company or companies shall return to such policyholder or holders such proportional part of the unearned premium charged for such hazard that may be reduced or removed.

Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 968, First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to certain insurers giving policyholders credit for any or all hazards that have been reduced or removed; amending Article 5.33, Texas Insurance Code; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 968, as amended, was passed to engrossment.

HB 1163 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1163, Relating to the possession of motor vehicles on which the engine numbers have been removed, erased, or destroyed.

The bill was read second time.

Mr. Hendricks offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1163 by deleting all below the enacting clause and substituting in lieu thereof the following:

Section 1. Article 1431 of the Penal Code of Texas, 1925, is amended to hereafter read as follows:

"Article 1431. (a) The terms 'vehicle' and 'vehicle identification number' as used in this Article are defined as follows:

1. The term 'vehicle' means any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

2. The term 'vehicle identification number' means the manufacturer's original number or a number assigned by the Texas Highway Department which is affixed to or imprinted upon each vehicle, motor or various removable parts of the vehicle at whatever location by the manufacturer or in a location designated by the Texas Highway Department, through which the vehicle or vehicle part is permanently identified.

"(b) Any person who has in his possession, or who sells or offers for sale, a vehicle or any part thereof of which the vehicle identification number has been removed, changed or obliterated in any manner, and who is unable to prove ownership to said vehicle or part, commits a misdemeanor punishable by a fine of not less than \$200 nor more than \$500, or by confinement in jail not to exceed 6 months, or by both.

"(c) Any duly constituted peace officer finding anyone in possession of a vehicle or any part of a vehicle on which the vehicle identification number has been removed, changed or obliterated in any manner shall immediately take into his possession such vehicle or part and shall retain possession of such vehicle or part for a sufficient length of time to establish identity and make the necessary investigation to determine ownership, after which the vehicle or part shall be returned to the rightful owner. In the event rightful ownership of the vehicle or vehicle part cannot be definitely determined, subject vehicle or vehicle part shall be declared forfeited to the seizing agency and the judgment of conviction shall order the forfeiture.

"(d) Any person who owns a vehicle or vehicle part on which the vehicle identification number has been removed, changed or obliterated shall apply to the Texas Highway Department for an assigned vehicle identification number, and the number assigned by the Texas Highway Department shall be die stamped or otherwise affixed to the vehicle or vehicle part at the location and in the manner designated by the Texas Highway Department. Each application for an assigned vehicle identification number shall be submitted on a form prescribed and furnished by the Texas Highway Department and shall be accompanied by the outstanding negotiable certificate of title covering the vehicle. In the event no certificate of title is outstanding on the vehicle, the application shall be accompanied by such other valid evidence of ownership as may be required by the Texas Highway Department. A fee of One Dollar (\$1.00) shall accompany each such application for assigned vehicle identification num-

ber and shall be deposited in the State Highway Fund. Anyone failing to comply with the provisions of this subsection within a period of 30 days after being given notice by proper authority shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 nor more than \$200.

Section 2. All laws or parts of laws in conflict with this Act are repealed to the extent of such conflict only.

Section 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 1163 by deleting all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act relating to possession of vehicles or parts of vehicles on which the vehicle identification numbers have been removed, changed or obliterated; providing penalties for violation; amending Article 1431 of the Penal Code of Texas, 1925; repealing laws in conflict; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1163, as amended, was passed to engrossment.

HB 1618 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1618, Relating to the salary of the official shorthand reporter for the 142nd Judicial District.

The bill was read second time and was passed to engrossment.

HB 579 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 579, Providing for the validation of certain actions of towns and cities of this state taken during the year 1970 in implementation of the decision declaring certain territory to be a disaster area.

The bill was read second time and was passed to engrossment.

HB 263 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 263, Relating to the filing and execution of certain notices and certificates concerning liens upon real and personal property for taxes payable to the United States; etc.

The bill was read second time

Mr. Pickens offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 263 by deleting the following language in Section 4 of the bill to read as follows:

The officer shall bill the district directors of internal revenue on a monthly basis for fees for documents filed by them.

Committee Amendment No. 2

Amend HB 263 by adding a sentence at the end of Section 5 of the bill to read as follows:

"The fees specified under the provisions of this Act for filing and indexing a notice of lien or certificate or notice affecting a tax lien shall be assessed in lieu of fees for such filing and indexing provided in Article 3930, Revised Civil Statutes of Texas, 1925, as amended."

The committee amendments were severally adopted without objection.

HB 263, as amended, was passed to engrossment.

HB 1207 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1207, Abolishing the office of county auditor in certain counties.

The bill was read second time and was passed to engrossment.

SB 128 ON SECOND READING (Mr. Braecklein—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 128, Authorizing the Board of Regents of the University of Texas System to acquire certain properties for campus expansion.

The bill was read second time and was passed to third reading.

SB 414 ON SECOND READING (Mr. Slack—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 414, Creating the Legislative Property Tax Committee.

The bill was read second time.

Mr. Hawn offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 414 by striking the whole of Section 3 (e) and inserting in lieu thereof the following:

"(e) The committee also shall have free access to all books and records in the several departments of the state government and of all tax units in the state, and officials of every state agency, department, institution and tax unit are directed to provide such information as may be requested by the committee and to assist the committee in accomplishing its objectives. The State Auditor is expressly authorized and directed to assist the committee in the development of a property tax data processing system, computer feasibility study and a compilation of property tax statistics as provided in Section 2 above; provided, that if SB 464, now pending, becomes law and an Office of Information Services is established thereunder, then the Office of Information Services is expressly authorized and directed to participate with the committee and the State Auditor in the development of a property tax data processing system, computer feasibility study and compilation of property tax statistics as provided in Section 2 above.

"A tax unit or unit as used in this Act shall mean any governmental agency authorized to levy taxes under the laws of this state."

Committee Amendment No. 2

Amend SB 414 by striking the whole of Section 4 and inserting in lieu thereof the following:

"Section 4. In addition to the fees authorized by Article 7331, each County Tax Assessor-Collector shall collect and remit to the Comptroller, as directed, a special fee of One Dollar (\$1.00) for each delinquent tax receipt, redemption certificate, judgment receipt, or any of them, processed by the County Tax Office, and also for each receipt issued for taxes paid under provisions of Articles 7207, 7208, 7209 and 7346 through 7349 inclusive, or any of them, the proceeds of this additional fee to be deposited in the State Treasury as a special fund for the use of the Property Tax Committee herein created.

"The payment of this additional fee shall be a condition precedent to the valid issuance of each such receipt or certificate, and the collection and handling of this special fee shall be as directed by the Comptroller, with remittances to be made monthly or more frequently, as directed. All monies deposited in this special fund shall be and the same are hereby appropriated to the use of the Property Tax Committee in carrying out the tasks assigned under this Act, the funds thus appropriated to be disbursed upon written orders of the Committee, with an annual accounting by the Committee to be filed with the State Auditor. This appropriation is made for a two-year period beginning June 1, 1971, and shall be renewed automatically for an additional two-year period beginning June 1, 1973, unless the Sixty-third Legislature shall direct otherwise.

The committee amendments were severally adopted without objection.

SB 414, as amended, was passed to third reading.

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on the passage to third reading of SB 414.

SB 697 ON SECOND READING
(Mr. Kaster—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 697, Providing an increase in the remuneration to be paid to the directors of the El Paso County Water Authority.

The bill was read second time.

Mr. McAlister offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 697 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Subsection (e) of Section 3 of Acts 1961, 57th Legislature, First Called Session, Chapter 32, as amended by Section 2 of Acts 1969, 61st Legislature, Regular Session, Chapter 718, is hereby amended to read as follows:

“(e) Each Director shall receive a fee not to exceed Twenty-five (\$25.00) Dollars for attending each meeting of the Board, however, that in no case shall a Director receive more than Fifty (\$50.00) Dollars for attending Board meetings during any month. Each Director shall also be entitled to receive not to exceed Twenty-five (\$25.00) Dollars per day devoted to the business of the Authority and to reimbursement for actual expenses incurred in attending to Authority business provided that such service and expense are expressly approved by the Board.”

Section 2. That Subsection (a) of Section 6 of Acts 1961, 57th Legislature, First Called Session, Chapter 32, is hereby amended to read as follows:

“(a) For the purpose of carrying out any power or authority conferred by this Act, the Authority shall have the following rights:

(i) to acquire and hold, by purchase, lease or otherwise, but not by condemnation, surface or underground water rights within or without the Authority;

(ii) to acquire and hold, by purchase, lease, condemnation, or otherwise, land, improvements, easements for sewer facilities, water pipelines or conveyors of water, and other facilities within the Authority;

(iii) to acquire and hold, by purchase, lease, condemnation, or other-

wise easements for sewer facilities, water pipelines or conveyors of water without the Authority.

The right of condemnation shall be exercised in the same manner as is provided by law for counties. The amount and character of interest to be acquired in property shall be determined by the Board of Directors. The Authority shall have the same power as is conferred upon water control and improvement districts by Section 49, Chapter 25, Acts of the 39th Legislature with reference to making surveys and attending to other business of the Authority.

Section 3. Acts 1961, 57th Legislature, First Called Session, Chapter 32, is hereby amended to add a new Section 17:

"Section 17. Land may be added to or annexed to the Authority in the manner now provided by Chapter 3A, Title 128, Vernon's Texas Civil Statutes, as amended; provided, however, that the Board of Directors may require the petitioners, if land is being added in the manner provided by Article 7880-75, Vernon's Texas Civil Statutes, to allow the land to be added to assume its pro rata share of taxes necessary to support the voted but unissued tax or tax-revenue bonds of the Authority and authorized the Board to levy a tax on their property in payment for such unissued bonds, when issued, or if land is being annexed in the manner provided by Article 7880-75b, Vernon's Texas Civil Statutes, the Board may also submit a proposition to the property taxpaying voters of the area to be annexed on the question of the assumption by the area to be annexed of its pro rata share of the tax or tax-revenue bonds of the Authority theretofore voted but not yet issued or sold and the levy of an ad valorem tax on taxable property within the area to be annexed along with the tax in the rest of the Authority for the payment thereof. If the petitioners consent or if the election results favorably, the Authority shall be authorized to issue its voted but unissued tax or tax-revenue bonds even though the boundaries of the Authority have been changed since the voting or authorization of such bonds. Provided, however, that if land is added by petition in the manner provided by Article 7880-75, Vernon's Texas Civil Statutes, the land to be added may be described by reference to recorded surveys as well as by metes and bounds in said petition."

Section 4. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 5. Proof of publication of the constitutional notice required in the enactment hereof under the provisions of Paragraph (d) of Section 59 of Article XVI of the Texas Constitution has been made in the manner provided therein and a copy of said notice and the bill as originally introduced has been delivered to the Governor of the State of Texas as required in such constitutional provisions and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements.

Section 6. The fact that additional services of water are immediately and urgently needed in El Paso County Water Authority creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended

and that said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend SB 697 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act amending Acts 1961, 57th Legislature, First Called Session, Chapter 32, as amended by Acts 1969, 61st Legislature, Regular Session, Chapter 718; providing an increase in the remuneration to be paid to the directors of the Authority; modifying the powers of the Authority; providing for addition or annexation of land; providing for severability; making a finding relative to publication; and declaring an emergency.

The committee amendments were severally adopted without objection.

SB 697, as amended, was passed to third reading.

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on the passage to third reading of SB 697.

SB 730 ON SECOND READING
(Mr. Carl Parker—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 730, Making Texas Workmen's Compensation Assigned Risk Pool responsible for all policies and claims in existence for any insurance company which has been declared insolvent.

The bill was read second time.

Mr. Carl Parker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 730 by striking everything below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 1 of HB 474, Chapter 279, Acts of the 53rd Texas Legislature, Regular Session, 1953, be amended so that subparagraph (c) of Article 5.76, Insurance Code of Texas, shall read hereafter as follows:

"(c) It shall be the duty of the companies and associations, members of the Agency established pursuant to paragraph (b) of this Article, to provide insurance, in the manner herein provided, for any risk under the Workmen's Compensation Law of Texas and/or the Longshoremen's and Harbor Workers' Compensation Act, or for any city, county or any other political subdivision, agency or department of the state authorized to provide workmen's compensation insurance for its employees under any laws of the State of Texas, heretofore or hereafter enacted, which risk shall

have been tendered to and rejected by any member of said Agency. It shall be the further duty of the companies and associations, members of the Agency established pursuant to paragraph (b) of this Article to provide insurance in the manner herein provided, on all policies and claims, in existence, for any insurance company which has been declared insolvent by the courts of this state or any other state in the same manner as if said policies had been written by servicing companies of this Agency. With respect to said claims in existence at the time of said declaration of insolvency and paid by the Agency, the Agency shall have the same rights against the Receiver of said insolvent company as are provided by the laws of this state for workmen's compensation loss claimants of the insolvent insurance company. From and after the date the rules made and adopted under paragraph (e) have been approved by the Board the procedures and remedies established under this Article shall be the sole and exclusive procedure and remedies, either at law or in equity, of any applicant for such insurance whose insurance has been rejected or cancelled by any company or association."

Section 2. If any word, phrase, clause, paragraph, sentence, part, portion or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act in all its particulars and to all other persons and circumstances shall be valid and of full force and effect, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision and to this end the provisions of this Act are declared to be severable.

Section 3. All laws of parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Section 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force sixty (60) days from and after its passage.

Mr. Carl Parker offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to SB 730 by adding thereto a new Section to be designated and numbered Section 2.1, and which shall read as follows:

"Section 2.1. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the Board, or of the Association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and

further this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Carl Parker offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend SB 730 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act amending H. B. No. 474, Ch. 279, Acts of the 53rd Texas Legislature, Regular Session, 1953 (codified as Article 5.76 Insurance Code of Texas); providing that cities, counties, other political subdivisions, agencies and departments in the State of Texas are authorized by any law in this state to provide Workmen's Compensation Insurance for its employees may obtain such coverage in accordance with Article 5.76 Insurance Code of Texas; and further making the Texas Workmen's Compensation Assigned Risk Pool responsible for all policies and claims in existence for any insurance company which has been declared insolvent by the courts of this state or any other state in the same manner as if said policy had been written by the servicing company of this agency and providing further that the agency shall have the same rights against the receiver of said insolvent company as provided by the laws of this state for Workmen's Compensation loss claimants of the insolvent insurance company; providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof, and retaining prior laws in effect, insofar as injuries sustained prior to the effective date hereof; providing for a savings clause; repealing all laws in conflict; and declaring an emergency.

Committee Amendment No. 2 was adopted without objection.

SB 730, as amended, was passed to third reading.

MESSAGE FROM THE SENATE

Austin, Texas, May 11, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 398 by 29 Yeas, 0 Nays.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

CONSIDERATION OF BILLS ON LOCAL
AND CONSENT CALENDAR—(continued)

SB 541 ON SECOND READING
(Mr. Traeger—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 541, Providing that the governing body of a municipality may allow prior service credit and other credit to employees.

The bill was read second time.

Mr. Traeger offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 541 by striking all below the enacting clause and substituting the following:

Section 1. Subsection 1 of Section VI of Chapter 75, Acts of the Regular Session of the 50th Legislature, as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, is hereby amended to read hereafter as follows:

"1. (a) Under such rules and regulations as the Board shall adopt, each person who is an employee of a participating department of a participating municipality on the effective date of participation of such department and who becomes a member on such effective date shall be entitled to receive credit for 'prior service' as defined in this Act. Any person who has been an employee of such a participating municipality prior to the effective date of participation of such municipality, but who is not in the service of such municipality on the effective date of such municipality's participation, shall be entitled to receive credit for 'prior service' as defined in this Act, if he again becomes an employee of such participating municipality within five (5) years after the effective date of such municipality's participation and becomes a member as of the date of such reemployment and continues as an employee of a participating department of such municipality for a period of five (5) consecutive years.

"(b) The governing body of a municipality may by ordinance direct that each of its employees who is serving in a public hospital, utility or other public facility which the municipality is operating as successor to, or which the municipality has otherwise acquired from a county, special district, or other public corporation or agency of government, shall be awarded and allowed prior service credit for the total number of months prior to date of participation during which such employee was employed in such hospital, utility or other facility during the period of its operation by the said predecessor governmental units or agencies as well as during the period of its operation by the participating municipality; and in such event, the total period of such employment for which such employee is allowed prior service credit hereunder shall be considered service rendered to the participating municipality for purposes of this Act.

"In event any participating municipality subsequent to date of participation, by contract, purchase or by legal succession shall acquire and become the operator of a public hospital, utility or other public facility theretofore operated by a county, special district, or other public corporation, the governing body of the participating municipality may by order direct that persons who were employed in such hospital, utility or other facility at the time acquisition of or succession to the same by the participating municipality, and who enter or did enter employment of the participating municipality at that time, shall be allowed prior service credit for the total number of months during which such employee was employed in such hospital, utility or other public facility during the period of its

operation by the predecessor counties, districts, and/or other public corporations."

Sec. 2. Paragraph (i), Subsection 2 of Section VIII of Chapter 75, Acts of the Regular Session of the 50th Legislature, as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, is hereby amended to read hereafter as follows:

"(i) The Board annually on December 31 shall allow regular interest on the mean amount in the Current Service Annuity Reserve Fund for the year then ending and shall allow regular interest on the mean amount in the Municipality Prior Service Accumulation Fund for the year then ending and shall allow regular interest on the mean amount in the Prior Service Annuity Reserve Fund during such year and shall allow current interest as defined in Section II of this Act on the amount in the Municipality Current Service Accumulation Fund at the beginning of such year and on the amount in the Endowment Fund at the beginning of such year and on an amount in the Employees Saving Fund equal to the sum of the accumulated deposits standing to the credit at the beginning of such year of all members included in the membership of the System on December 31 of each such year, before any transfers for retirement effective December 31 of such year are made. The amounts so allowed shall be due and payable to said funds and shall be credited thereto by the board on December 31 of each year from moneys of the System held in the Interest Fund."

Sec. 3. Subsection 6 of Section XIV of Chapter 75, Acts of the Regular Session, 50th Legislature, as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, as further amended by Chapter 682, Acts of the Regular Session, 59th Legislature, is hereby amended to read hereafter as follows:

"6. No municipality shall undertake to make the increased contributions allowed under this Section until it shall have been a participating municipality of the System for at least three calendar years. The increased rate of contributions authorized hereunder shall only be made effective at the beginning of a calendar year."

Sec. 4. Subsections (1), (3), (4), (5), and (6) of Section XVI of Chapter 75, Acts of the Regular Session, 50th Legislature, as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, and as further amended by Chapter 371, Acts of the Regular Session, 61st Legislature, are hereby amended to read respectively as follows:

"(1) Antecedent service credit may be granted for the period beginning at the municipality's date of participation and ending on the earliest date subsequent thereto as of which the municipality has increased its matching ratio for current service in accordance with Section XIV hereof, without having then or thereafter granted corresponding antecedent service credits equal to the increase in the rate of matching made effective on said date. The period of time described above is referred to hereafter as an 'antecedent service period.'"

"(3) 'Antecedent Service Credit' shall mean an amount equal to fifty percent (50%), or at the election of the participating municipality (made in such ordinance or subsequent amendment thereto), one hundred percent (100%) of the accumulated deposits of the member at the end of the antecedent service period for which said 'Antecedent Service Credit' is allowed.

"(4) 'Accumulated Antecedent Service Credit' shall mean the 'Antecedent Service Credit', determined as of the end of antecedent service period in accordance with this Section, and accumulated at regular interest from such date until the effective date of such member's retirement.

"(5) The Council by ordinance shall determine whether antecedent service credit shall be allowed, and shall designate the date such undertaking is to become effective provided that the date selected shall be the end of any calendar year after three (3) full years of participation by the municipality.

"(6) Each employee member entitled to antecedent service credit shall be given an 'Antecedent Service Certificate' stating the amount of his antecedent service credit allowed pursuant to the ordinance adopted by the municipality, and such certificate shall state that in the event membership in the System ceases, such certificate shall become void, and that if the member thereafter returns to employment of any participating municipality, he shall not be entitled to such antecedent service credit."

Sec. 5. The crowded condition of the calendars, coupled with the need for enactment of this legislation at the current session, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Signed: Traeger and Boyle

Committee Amendment No. 2

Amend SB 541 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act amending Chapter 75, Acts of the Regular Session, 50th Legislature (establishing and regulating the Texas Municipal Retirement System), as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, as amended by Chapter 682, Acts of the Regular Session, 59th Legislature, and as amended by Chapter 371, Acts of the Regular Session, 61st Legislature, as follows: amending Subsection 1 of Section VI of said Act; amending Paragraph (i), Subsection 2 of Section VIII of said Act; amending Subsection 6 of Section XIV of said Act; and amending Subsections (1), (3), (4), (5) and (6) of Section XVI of said Act; and declaring an emergency.

Signed: Traeger and Boyle.

The committee amendments were severally adopted without objection.

SB 541, as amended, was passed to third reading.

SB 870 ON SECOND READING
(Mr. Braecklein—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 870, Relating to the definition of the terms "person" and "company" in the Securities Act.

The bill was read second time and was passed to third reading.

SB 255 ON SECOND READING
(Mr. Ogg—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 255, Relating to the powers, etc., of the Commission on Fire Protection Personnel Standards and Education.

The bill was read second time.

Mr. McKissack offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 255 by renumbering Sections 6 and 7 as Sections 7 and 8, respectively, and inserting a new Section 6 to read as follows:

Section 6. Section 10, Chapter 668, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(35), Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 10. This Act shall apply only to fully-paid firemen."

The committee amendment was adopted without objection.

SB 255, as amended, was passed to third reading.

SB 412 ON SECOND READING
(Mr. Foreman—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 412, Authorizing the transfer of the land of the Confederate Woman's Home from the Texas Department of Mental Health and Mental Retardation to the State Building Commission.

The bill was read second time.

Mr. Baker offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 412 by striking the words "for a period of six (6) months following such transfer, offer said land to state agencies. If, during such period, any state agency" where they appear in the 2nd and 3rd sentences of Section 1 of the bill, and substituting the words "within a period of six (6) months following such transfer, offer said land by written notice to all state boards, commissions, and agencies. A state board, commission, or agency desiring to apply for the land shall make written application to the State Building Commission no later than sixty (60) days from the date of receipt of the written notice. If any state board, commission, or agency"; and by adding the words ", board, or commission" between the word "agency" and the period at the end of the 3rd sentence in Section 1.

Committee Amendment No. 2

Amend the caption of SB 412 by striking the words "for a period of six (6) months".

The committee amendments were severally adopted without objection.

SB 412, as amended, was passed to third reading.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 412.

SB 116 ON SECOND READING
(Mr. Bigham—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 116, Authorizing waiver of right to be accused by indictment by person represented by counsel in noncapital felony cases.

The bill was read second time.

Mr. Cobb offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 116 by striking the close-quotation marks at the end of quoted Article 1.141 and adding there the following sentence:

On waiver as provided in this article, the accused shall be charged by information.

The committee amendment was adopted without objection.

SB 116, as amended, was passed to third reading.

Representative Atwell entered the House and was announced present.

SB 917 ON SECOND READING
(Mr. Jungmichel—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 917, Changing the court day in the 21st Judicial District from Monday to Tuesday.

The bill was read second time and was passed to third reading.

SB 424 ON SECOND READING
(Mr. Uher—House Sponsor)

The Speaker laid before the House, in lieu of HB 757, on its second reading and passage to third reading,

SB 424, Prescribing compensation for county officials in certain counties.

The bill was read second time and was passed to third reading.

HB 757—LAID ON THE TABLE SUBJECT TO CALL

Mr. Uher moved that HB 757 be laid on the table subject to call.

There was no objection offered and it was so ordered.

HB 843 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 843, Relating to runoff elections for trustee of an independent school district.

The bill was read second time and was passed to engrossment.

BILLS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills:

HB 186, Prohibiting disruption of school activities on public property.

HB 238, Providing for the compensation of the official court reporter of the 111th Judicial District Court.

HB 287, Relating to term of office of Supervisors of the Bayview Municipal Utility District of Galveston County.

HB 290, Amending Uniform Wildlife Regulatory Act repealing the limitation for Colorado County.

HB 584, Relating to compensation of court reporter of County Court at Law of Orange County.

HB 642, Relating to salaries of assistants to county school superintendent in counties of 71,100 to 72,500 population.

HB 1175, Abolishing office of county superintendent in counties of 17,400 to 17,640 population.

ADJOURNMENT

Mr. Doran moved that the House adjourn until 11:30 a.m. today.

The motion prevailed without objection.

The House accordingly, at 11:14 a.m., adjourned until 11:30 a.m. today.

SEVENTY-SECOND DAY—TUESDAY, MAY 11, 1971

The House met at 11:30 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Davis, H.	Jones, G.	Price
Adams	Denton	Jungmichel	Reed
Agnich	Doran	Kaster	Rosson
Allen, Joe	Doyle	Kilpatrick	Salem
Allen, John	Dramberger	Kubiak	Salter
Allred	Earthman	Lemmon	Sanchez
Angly	Farenthold	Lewis	Santiesteban
Atwell	Finck	Ligarde	Schulle
Atwood	Finnell	Lombardino	Semos
Baker	Finney	Longoria	Shannon
Bass, B.	Floyd	Lovell	Sherman
Bass, T.	Foreman	McAlister	Short
Beckham	Gammage	McKissack	Silber
Bigham	Garcia	Mengden	Simmons
Blanton	Golman	Moncrief	Slack
Blythe	Grant	Moore, A.	Slider
Bowers	Graves	Moore, G.	Smith
Boyle	Hale	Moore, T.	Solomon
Braecklein	Hanna, Joe	Moreno	Spurlock
Burgess	Harding	Murray	Stewart
Bynum	Harris	Nabers	Stroud
Caldwell	Hawkins	Nelms	Swanson
Calhoun	Hawn	Neugent, D.	Tarbox
Carrillo	Haynes	Newton	Traeger
Cates	Head	Nichols	Truan
Cavness	Heatly	Niland	Tupper
Christian	Hendricks	Nugent, J.	Uher
Clark	Hilliard	Ogg	Vale
Clayton	Holmes, T.	Orr	Von Dohlen
Coats	Holmes, Z.	Parker, C.	Ward
Cobb	Howard	Parker, W.	Wayne
Cole	Hubenak	Patterson	Wieting
Craddick	Hull	Pickens	Williams
Cruz	Johnson	Poerner	Williamson
Daniel	Jones, D.	Poff	Wolff
Davis, D.	Jones, E.	Presnal	Wyatt

Absent-Excused

Braun	Ingram	Lee	Rodriguez
Hannah, John	Kost		

A quorum of the House was announced present.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business: